

ORDINANCE NO. 1329

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT AMONG NORTHERN CALIFORNIA POWER AGENCY AND CERTAIN PROJECT PARTICIPANTS AND APPROVING THE EXECUTION OF AND DELIVERY OF SAID AGREEMENT BY OFFICERS OF THE CITY OF LODI, CALIFORNIA

WHEREAS, pursuant to the provisions relating to joint exercise of powers found in Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California, as amended (the "Joint Powers Act"), the City of Lodi, California (the "City") and certain other public agencies created pursuant to the laws of the State of California (collectively, the "Members"), have entered into a Joint Powers Agreement (the "Agreement") creating Northern California Power Agency (the "Agency"), a public entity separate and apart from the Members; and

WHEREAS, in accordance with the Agreement and the Joint Powers Act the Agency proposes to acquire and construct or cause to be acquired and constructed and to operate or cause to be operated a project (the "Project") consisting of not more than seven 24-megawatt combustion turbine generating units or such lesser number of units, but not less than three, as will be determined in accordance with the terms and conditions of the Third Phase Agreement (as hereinafter defined), and related facilities, including electric facilities necessary for the Project to interconnect with the adjacent electric system, and all rights, properties and improvements necessary therefor, including fuel and water facilities and resources, and capital improvements that may be constructed from time to time.

WHEREAS, the City has need for an economical and reliable source of electric power and energy to meet the demands of the customers of its electric system; and

WHEREAS, this City Council finds and determines that it is in the best interests of the customers of the electric system of the City for the City to enter into the Agreement for Construction, Operation and Financing of Combustion Turbine Project Number One (the

"Third Phase Agreement") in substantially the form submitted to this City Council and dated for convenience as of July 1, 1984; and

WHEREAS, this City Council finds and determines that the purchase of electric capacity and energy of the Project from the Agency on the **terms** and conditions set forth in the Third Phase Agreement is necessary to supply the customers of the electric system of the City with electricity; and

WHEREAS, payments by the City pursuant to the Third Phase Agreement will be used in part by the Agency for payment of principal of and interest on its bonds, notes or other evidences of indebtedness issued in connection with the construction, operation and financing of the Project;

NOW, **THEREFORE**, the City Council of the City of Lodi, California does ordain as follows:

1. The City Council hereby approves the act of entering into the Third Phase Agreement and the terms and conditions of the Third Phase Agreement (including the Project Entitlement Percentage of the City set forth in each of Appendices A-1 through A-5 thereto) in substantially the **form** submitted to this City Council be, and the **same** are hereby, approved.

2. The Project Entitlement Percentage of the City as set forth in each of Appendices A-1 through A-5 to said Third Phase Agreement may be increased to such percentage, not to exceed and increase of 0.0 percent **(0.0%)** of the largest Project Entitlement Percentage indicated for the City in any of Appendices A-1 through A-5 of the Third Phase Agreement, as shall be determined by the City Council of the City. In addition to any changes authorized by the immediately preceding sentence, the City hereby authorizes and approves any other amendment to any or all of Appendices A-1 through A-5 of the Third Phase Agreement as to Project Participants (as defined in the Third Phase Agreement) other than the City necessary so that the Project Entitlement Percentages of all the Project Participants shall equal one hundred percent **(100%)**.

3. The City is hereby authorized to enter into the Third Phase Agreement and the Mayor and the City Clerk are hereby authorized

to execute and deliver the Third Phase Agreement by and on behalf of the City with such changes, insertions and omissions as may be approved by the City Council, said execution being conclusive evidence of such approval.

4. Pursuant to Section 54241 of the Government Code of the State of California, this Ordinance is subject to the provisions for referendum applicable to the City.

5. The City Clerk shall certify to the enactment of this Ordinance and shall cause this Ordinance to be published in accordance with Section 54242 of the Government Code of the State of California.

6. Thirty (30) days from and after its enactment, this Ordinance shall take effect and be in full force, in the manner provided by law.

**ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 1st day of August, 1984.

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Mayor

Attest:

Alice M. Reimche  
City Clerk

State of California  
County of San Joaquin, **ss.**

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1329 was introduced at a regular meeting of the City Council of the City of Lodi held July 18, 1984 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held August 1, 1984 by the following vote:

Ayes: Council Members - Hinchman, Olson, and Reid

Noes: Council Members - Pinkerton

Absent: Council Members - Snider

Abstain: Council Members - None

I further certify that Ordinance No. 1329 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

Alice M. Reimche  
City Clerk